

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 27, 2005. Claims 5, 7 to 10, 12, 17, 26 and 28 remain pending in the application, with Claims 1, 3, 4, 13, 25 and 27 having been cancelled. Claims 5, 17, 26 and 28 are the independent claims. Reconsideration and further examination are respectfully requested.

Applicant's representative wishes to thank the Examiner for the courtesies and thoughtful treatment afforded during the October 13, 2005 telephonic interview with the Examiner. Applicant submits that the following remarks accurately reflect the substance of the interview.

During the interview, Applicant pointed out that the rejections appear to mirror language for a previous version of the claim. The Examiner acknowledged that the language on pages 5 and 6 of the Office Action regarding the rejection of Claim 5 appears to refer an out-of-date version of the claim, but indicated that he had considered the version of Claim 5 that was current at the time the rejection was entered. Applicant also inquired as to the bases for the § 101 rejections of Claims 1 and 5 since those claims are clearly statutory apparatus claims. The Examiner merely requested that such arguments be presented in a formal response.

Claims 1, 3 to 5, 7, 9, 10, 13, 17 and 25 to 28 were objected to for informalities. Specifically, the Office Action states, "it is unclear whether the limitation 'A personal assistant device' is a mechanical device or a computer implemented device or a computer generated device." (Office Action page 2).

Applicant traverses the objection because a personal assistant device is clearly disclosed in the Specification and those skilled in the art readily understand the term's meaning. (See page 18, line 27; page 29, line 13; page 40, line 19; and page 45, line 27). Nonetheless, the claims have been amended to correspond even more closely to the language used in the Specification. (See MPEP § 2173.02).

Claims 1, 2 to 5, 7 to 10, 12, 13, and 17 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action bases the rejection at least in part on MPEP § 2106 IV.B.1(a), and asserts that the "use of a computer" must be indicated in the claims. (Office Action page 3). The rejections are traversed.

Regarding Claims 1, 2 to 5, 7 to 10, 12 and 13, Applicant submits that they are statutory claims. As stated in MPEP § 2106 IV.B.2(a), "If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product." Thus, a plain reading of Claims 1, 2 to 5, 7 to 10, 12 and 13 renders them as statutory subject matter. Moreover, those skilled in the art readily recognize the subject matter of Claims 1, 2 to 5, 7 to 10, 12 and 13 as constituting a computer device despite any lack of an explicit reference to a "computer."

Likewise with regard to Claim 17, those skilled in the art readily recognize the subject matter of Claim 17 as using a computer device despite any lack of an explicit reference to a "computer."

Although Claim 28 was not rejected under § 101, without conceding the correctness of the rejections, the term "computer-readable" has been included in the claim

as suggested by the Examiner. Thus, reconsideration and withdrawal of the § 101 rejections are respectfully requested.

Claims 1, 3 to 5, 7 to 10, 12, 13, 17 and 25 to 28 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,774,803 (Kariya) in view of U.S. Patent No. 6,321,158 (DeLorme). Reconsideration and withdrawal of the rejection are respectfully requested.

The present invention relates to distributing service information from a service information distribution device to a personal digital assistant device. According to the invention, position information of the personal digital assistant device is managed as a movement history, and a personal digital assistant device to which the service information should be distributed is selected on the basis of the movement history. In this way, service information can be distributed more effectively by taking into account the movement of the personal digital assistant device.

With specific reference to the claims, independent Claim 5 defines a service information distribution device for distributing service information to a personal digital assistant device. The service information distribution device comprises a management unit adapted to manage position information of the personal digital assistant device as a movement history, a selection unit adapted to select a personal digital assistant device to which the service information should be distributed on the basis of the movement history managed by the management unit, and a distribution unit adapted to distribute the service information to the selected personal digital assistant device.

Independent Claims 17, 26 and 28 are method, computer program, and storage medium claims, respectively, that substantially correspond to Claim 5.

The applied art is not seen to disclose or to suggest the features of independent Claims 5, 17, 26 and 28, and in particular, is not seen to disclose or to suggest at least the feature of managing position information of a personal digital assistant device as a movement history, and selecting a personal digital assistant device to which service information should be distributed on the basis of the movement history.

Kariya relates to a mobile device and regional information system in which a base station 2 transmits general information with the zone number of the base station 2 and headlines of regional information. However, Kariya is not seen to manage position information of a personal digital assistant device as a movement history, much less to select a personal digital assistant device to which service information should be distributed on the basis of the movement history.

DeLorme relates to an integrated routing/mapping information system (IRMIS) which has software that permits user selection of a particular map, area, or a point of interest. IRMIS software further enables routing and the extraction of a user-selected portion of a route as well as area maps for downloading to a PDA (column 6, lines 50-55). As such, DeLorme's system distributes route and map information in response to user selections, but is not seen to manage position information of a personal digital assistant device as a movement history, much less to select a personal digital assistant device to which service information should be distributed on the basis of the movement history.

In view of the foregoing differences of the applied art, Claims 5, 17, 26 and 28 are believed to be allowable. The other claims in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed

to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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